

Exhibit “D”

February 2, 2005

1 IN THE UNITED STATES DISTRICT COURT FOR THE
 2 WESTERN DISTRICT OF PENNSYLVANIA
 3 THOMAS E. MERTZ, : CIVIL ACTION
 Plaintiff :
 4 V. : NO. 04-558
 5 DONZI MARINE, INC. and :
 AMERICAN MARINE HOLDINGS, :
 6 INC., in its own right and:
 d/b/a DONZI MARINE, :
 7 Defendants : JURY TRIAL DEMANDED

10 Deposition of GREGORY SZCZESNY, taken before
 11 and by Sonya Hoffman, Notary Public in and for the
 Commonwealth of Pennsylvania on Wednesday, February
 12 2005, commencing at 1:31 p.m., at the offices of
 13 MacDonald Illig Jones & Britton, LLP, 100 State
 14 Street, Suite 700, Erie, PA 16507.
 15

16 For the Plaintiff:

17 W. Patrick Delaney, Esquire
 Matthew W. Fuchs, Esquire
 18 MacDonald Illig Jones & Britton, LLP
 100 State Street, Suite 700
 Erie, PA 16507

21 For the Defendants:

22 Robyn F. McGrath, Esquire
 Sweeney & Sheehan, P.C.
 23 1515 Market Street, Suite 1900
 Philadelphia, PA 19102

25 Reported by Sonya Hoffman

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1 G R E G O R Y S Z C Z E S N Y, first having
 2 been duly sworn, testified as follows:

3
 4 DIRECT EXAMINATION

5 BY MR. DELANEY:

6

7 Q. Mr. Szczesny, I introduced myself to you before,
 8 I'm Patrick Delaney. I'm here on behalf of Mr. Mertz with
 9 regard to a lawsuit that's pending in the Federal District
 10 Court here in Erie concerning a boat that he purchased back,
 11 I think, in 2002.

12 I'm going to ask you some questions, some
 13 questions about yourself and the store that you owned, what
 14 you might remember about the transaction and Mr. Mertz and
 15 contact with Mr. Mertz. You have brought with you today a
 16 bunch of documents that we may take time to identify some or
 17 all of them. So that's the order in which we're going to go
 18 through.

19 It's a question-and-answer period. You're not
 20 expected to give speeches. I'll ask questions, you give me
 21 answers as best you can. If you need to take a break, let
 22 me know. All of your -- just a couple general rules of
 23 thumb, if you could not talk over me and I won't talk over
 24 you in the sense that please don't start an answer before I
 25 finish a question because this young lady will get upset

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1 because it comes out poorly when it's written.

2 In addition to that, if you want to say yes or no,
 3 please do so but avoid doing the uh-huh or huh-uh because
 4 when you read it, you can never tell whether it's
 5 affirmative or negative. And if you do that, as many people
 6 do, I may interrupt you and ask you does that mean yes or no
 7 and I don't mean to be rude.

8 If I confuse you with a question, and I'm prone to
 9 do that occasionally, stop me and say I don't understand
 10 what you mean or you're wrong or make me rephrase it and I'm
 11 happy to do that. We just want to get a clear record and
 12 some background from you, okay?

13 A. Uh-huh.

14 Q. That's a yes. Let's start with your full name,
 15 please.

16 A. Gregory Michael Szczesny.

17 Q. And your current address, please.

18 A. 5676 Luna Lane.

19 Q. And what community is that?

20 A. Erie, PA 16506.

21 Q. Is there a telephone number at which you can be
 22 readily reached?

23 A. 440-0293. That would be an 814 area code, also.

24 Q. That's a cell phone?

25 A. Yeah.

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1 Q. Tell me a bit about your education. Where did you	1 A. 10190 West Main Road, North East, PA.
2 go to -- did you go to high school?	2 Q. Did it ever have any other location?
3 A. I went to high school at East High School.	3 A. We moved to 10170 West Main Road, North East, PA.
4 Graduated there, went to work at General Electric	4 Q. When did you make that move?
5 Corporation, worked there going to Gannon University for	5 A. 2000.
6 seven years.	6 Q. And have you -- I'm sorry, is The Boat Store still
7 Q. Did you take a degree from Gannon?	7 in operation?
8 A. No, never finished it.	8 A. Yes, it is.
9 Q. What curriculum were you in?	9 Q. And is it still at 10170 West Main Road in North
10 A. Industrial engineering.	10 East?
11 Q. When were you last at Gannon?	11 A. Partially.
12 A. I'll show my age --	12 Q. Where else is it located?
13 Q. Well, I'm going to ask you a date of birth so you	13 A. We have one on -- at Dobbin's Landing.
14 might as well give it up.	14 Q. When was that opened?
15 A. I know. I'm trying to think, I'd say '80 -- '79,	15 A. 2001.
16 '80.	16 Q. Are there any other locations?
17 Q. Okay. What is your date of birth, please?	17 A. We have a sales office on the Bayfront Highway.
18 A. 9/11/54.	18 Q. Here in the City?
19 Q. Married or single?	19 A. Uh-huh.
20 A. Married.	20 Q. When was that sales office opened?
21 Q. Any kids?	21 A. 2004.
22 A. Two.	22 Q. You know that we're here with regard to the
23 Q. Grown?	23 purchase by Mr. Thomas Mertz of a boat manufactured by
24 A. Yes.	24 Donzi. What store would that -- or what location would that
25 Q. You mention that you were at GE. Did you have	25 transaction have occurred?
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1 just a position as a laborer or a skilled trade?	1 A. North East.
2 A. A machinist.	2 Q. All the discussions and any paperwork; is that
3 Q. How close were you to your degree in industrial	3 true?
4 engineering?	4 A. Yes.
5 A. Two years away.	5 Q. I jumped ahead of myself. What is the nature of
6 Q. I presume you were going part time over that	6 the business of The Boat Store?
7 period of time?	7 A. Boat sales, service.
8 A. Uh-huh, yes.	8 Q. Has that been true throughout its --
9 Q. Did you take any sort of an associate's degree	9 A. Yes.
10 or --	10 Q. -- I guess now, six or seven year existence?
11 A. Yes. I have a degree from the Associated	11 A. Yeah.
12 Industrial Engineering Center.	12 Q. How many employees at The Boat Store?
13 Q. From Gannon?	13 A. Right now, two.
14 A. No, it's an outsourcing corporation.	14 Q. Including yourself?
15 Q. Any other advanced education other than Gannon?	15 A. Uh-huh.
16 A. No.	16 Q. Who's the other person?
17 Q. I understand that you had an ownership interest in	17 A. Jack McAllister.
18 a business called The Boat Store.	18 Q. What does Mr. McAllister do?
19 A. Yes.	19 A. Sales.
20 Q. When did you first become involved in that	20 Q. Back in 2002 -- and I believe our transaction
21 business?	21 occurred May 8, 2002, how many employees were at The Boat
22 A. About 1998.	22 Store?
23 Q. Did you found the business?	23 A. Eight.
24 A. Yes.	24 Q. That would include you?
25 Q. Where was the initial location of the business?	25 A. Uh-huh.

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2
3 C E R T I F I C A T I O N
4

5 I, Sonya Hoffman, a Court Reporter and
6 Notary Public in and for the Commonwealth of
7 Pennsylvania, do hereby certify that the foregoing
8 is a true and accurate transcript of my
9 stenographic notes in the above-captioned matter.

10
11
12 Sonya Hoffman
13

14 Court Reporter and Notary Public
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17 Dated: February 15, 2005
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19
20 NOTARIAL SEAL
21 SONYA A. HOFFMAN, NOTARY PUBLIC
22 CITY OF ERIE, ERIE COUNTY
23 MY COMMISSION EXPIRES NOV. 9, 2008
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